

2016 No. 816

ECCLESIASTICAL LAW, ENGLAND

The Suspension Appeals (Churchwardens etc.) Rules 2016

Made (Approved by the General Synod) 8th July 2016

Laid before Parliament 29th July 2016

Coming into force in accordance with rule 5.5(2)

The Rule Committee, in exercise of powers conferred by section 26(1) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991(a), makes the following Rules:

PART 1

Churchwardens

Appeal by churchwarden

1.1.—(1) An appeal to the President by a churchwarden under section 6B(1) of the Churchwardens Measure 2001(b) against suspension shall be made in writing within 21 days of receipt of the notice of suspension.

(2) The written appeal shall set out the grounds of appeal, and a copy of the notice of suspension shall be attached.

(3) A copy of the written appeal shall be sent or delivered to the bishop by the appellant at the same time as the written appeal is sent or delivered to the President.

(4) Within 14 days of receiving a copy of the written appeal, the bishop may send or deliver to the President comments in writing in answer to the appeal, and a copy of those comments shall be sent or delivered by the bishop to the appellant at the same time as they are sent or delivered to the President.

The President's decision

1.2.—(1) The President may, within 28 days following the lodging of the appeal, either confirm or revoke the suspension.

(2) The President's decision shall be in writing, and a copy of the decision shall be sent or delivered to the appellant and to the bishop.

(3) Where the suspension is revoked by the President on appeal, the bishop shall notify in writing each person to whom notice of suspension was given under section 6A(10) of the Churchwardens Measure 2001 that the suspension has been revoked.

(a) 1991 No. 1. Relevant amendments were made by section 45 of the Clergy Discipline Measure 2003 (2003 No. 3) and section 4 of the Safeguarding and Clergy Discipline Measure 2016 (2016 No. 1).

(b) 2001 No. 1.

(4) The registrar shall file a copy of the written notice of revocation in the diocesan registry.

PART 2

Parochial church council members etc.

Appeal by parochial church council member etc.

2.1.—(1) An appeal to the President by a member of a parochial church council, district council or synod, or the secretary or treasurer of a parochial church council under rule 46D(1) of the Church Representation Rules against suspension shall be made in writing within 21 days of receipt of the notice of suspension.

(2) The written appeal shall set out the grounds of appeal, and a copy of the notice of suspension shall be attached.

(3) A copy of the written appeal shall be sent or delivered to the bishop by the appellant at the same time as the written appeal is sent or delivered to the President.

(4) Within 14 days of receiving a copy of the written appeal, the bishop may send or deliver to the President comments in writing in answer to the appeal, and a copy of those comments shall be sent or delivered by the bishop to the appellant at the same time as they are sent or delivered to the President.

The President's decision

2.2.—(1) The President may, within 28 days following the lodging of the appeal, either confirm or revoke the suspension.

(2) The President's decision shall be in writing, and a copy of the decision shall be sent or delivered to the appellant and to the bishop.

(3) Where the suspension is revoked by the President on appeal, the bishop shall notify in writing each person to whom notice of suspension was given under rule 46C(11) of the Church Representation Rules that the suspension has been revoked.

(4) The registrar shall file a copy of the written notice of revocation in the diocesan registry.

PART 3

Readers

Appeal by reader

3.1.—(1) An appeal to the President by a reader under paragraph 8(1) of Canon E 6 against suspension shall be made in writing within 21 days of receipt of the notice of suspension.

(2) The written appeal shall set out the grounds of appeal, and a copy of the notice of suspension shall be attached.

(3) A copy of the written appeal shall be sent or delivered to the bishop by the appellant at the same time as the written appeal is sent or delivered to the President.

(4) Within 14 days of receiving a copy of the written appeal, the bishop may send or deliver to the President comments in writing in answer to the appeal, and a copy of those comments shall be sent or delivered by the bishop to the appellant at the same time as they are sent or delivered to the President.

The President's decision

3.2.—(1) The President may, within 28 days following the lodging of the appeal, either confirm or revoke the suspension.

(2) The President's decision shall be in writing, and a copy of the decision shall be sent or delivered to the appellants and to the bishop.

(3) Where the suspension is revoked by the President on appeal, the bishop shall notify in writing each person to whom notice of suspension was given under paragraph 7(10) of Canon E 6 that the suspension has been revoked.

(4) The registrar shall file a copy of the written notice of revocation in the diocesan registry.

PART 4

Lay workers

Appeal by lay worker

4.1.—(1) An appeal to the President by a lay worker under paragraph 10(1) of Canon E 8 against suspension shall be made in writing within 21 days of receipt of the notice of suspension.

(2) The written appeal shall set out the grounds of appeal, and a copy of the notice of suspension shall be attached.

(3) A copy of the written appeal shall be sent or delivered to the bishop by the appellant at the same time as the written appeal is sent or delivered to the President.

(4) Within 14 days of receiving a copy of the written appeal, the bishop may send or deliver to the President comments in writing in answer to the appeal, and a copy of those comments shall be sent or delivered by the bishop to the appellant at the same time as they are sent or delivered to the President.

The President's decision

4.2.—(1) The President may, within 28 days following the lodging of the appeal, either confirm or revoke the suspension.

(2) The President's decision shall be in writing, and a copy of the decision shall be sent or delivered to the appellants and to the bishop.

(3) Where the suspension is revoked by the President on appeal, the bishop shall notify in writing each person to whom notice of suspension was given under paragraph 9(10) of Canon E 8 that the suspension has been revoked.

(4) The registrar shall file a copy of the written notice of revocation in the diocesan registry.

PART 5

Miscellaneous

Sending or delivering documents

5.1.—(1) Any document required by these Rules to be sent or delivered to any person shall be sent or delivered by any of the following means—

- (a) by first class post to the proper address of that person,
- (b) by leaving it at the proper address of that person,
- (c) by DX
- (d) by email.

(2) Subject to paragraph (3) below the proper address shall be the usual or last known address of a person.

(3) The proper address for the President shall be care of the Legal Office of the National Institutions of the Church of England.

Time

5.2.—(1) The President may extend the time limits specified under these Rules.

(2) The time limits may be extended even if the time so specified has expired.

Stay of suspension

5.3. There shall be no stay of suspension pending the determination of an appeal under these rules to the President.

Interpretation

5.4. In these Rules, unless the context otherwise requires—

“bishop” means the bishop who imposed the suspension or such other person in episcopal orders who is for the time being authorised to discharge the relevant functions of the bishop;

“President” means the President of Tribunals for the purposes of the Clergy Discipline Measure 2003; and section 4(3) and (4) of that Measure (delegation of functions) applies to the functions of the President under these Rules.

“registrar” means the registrar of the relevant diocese.

Citation and commencement

5.5.—(1) These Rules may be cited as the Suspension Appeals (Churchwardens etc.) Rules 2016.

(2) These Rules shall come into force on such date as the Archbishops of Canterbury and York may jointly appoint, and different dates may be appointed for different rules.

C R George
C J Angus
T J Briden
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V J H Rees
+A St Albans
C E Vann

Church House, London
Approved by the General Synod on
8th July 2016

J Philips
Clerk to the Synod

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules are made under section 26(1) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 as amended by section 45 of the Clergy Discipline Measure 2003 and section 4 of the Safeguarding and Clergy Discipline Measure 2016. The rules make provision for carrying into effect—

- (a) section 6B of the Churchwardens Measure 2001 (appeal against suspension of a churchwarden in a safeguarding case);
- (b) rule 46D of the Church Representation Rules (appeal against suspension of a PCC member etc. in a safeguarding case);
- (c) provision made by Canon to confer a right of appeal against the suspension of a licence to exercise the office of reader or of a licence to serve as a lay worker in a safeguarding case.

Part 1 applies to appeals by churchwardens.

Part 2 applies to appeals by PCC members etc.

Part 3 applies to appeals by licensed readers.

Part 4 applies to appeals by licensed lay workers.

Part 5 makes provision for certain miscellaneous matters.

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£4.25

UK201607271001 08/2016 19585

<http://www.legislation.gov.uk/id/uksi/2016/816>

ISBN 978-0-11-114904-1



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